

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X MOHAMMED BOUHAJRAH,

Plaintiff,

Civil Action No.
18-cv-11391 (VEC)

-against-

HILL DELI GROCERY CORP. 2, AZAAL DELI GROCERY
CORP., ANA DELI GROCERY CORP., and NASSER
ALMASMARY,

Defendants.

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DEFAULT JUDGMENT

Plaintiff Mohammed Bouhajrah (“Plaintiff”) commenced this action on December 6, 2018, by the filing of a Summons and Complaint against defendants Hill Deli Grocery Corp. (“Hill Deli”), Azaal Deli Grocery Corp. (“Azaal Deli”), Ana Deli Grocery Corp. (“Ana Deli”) (collectively, the “Corporate Defendants”), and Nasser Almasmary (collectively with the Corporate Defendants, “Defendants”).

WHEREAS, Defendants were timely served with copies of the Summons and Complaint and appeared in this action by collectively filing an Answer, through their counsel Mohammad Al Sawaeer, on October 18, 2019 (Dkt. No. 53);

WHEREAS, on May 29, 2020 attorney Morris Fateha replaced attorney Mohammad Al Sawaeer as counsel for defendant Almasmary (Dkt. No. 69);

WHEREAS, on July 13, 2021, attorney Mohammad Al Sawaeer moved to be relieved as counsel for the Corporate Defendants (Dkt. No. 90);

WHEREAS, on October 1, 2021, the Court granted Plaintiff’s motion for a default judgment against the Corporate Defendants (Dkt. No. 117);

WHEREAS, in an order dated December 6, 2021, the Court directed Plaintiff and Almasmary to submit a settlement agreement to the Court by January 7, 2022 (Dkt. No. 118);

WHEREAS, in an order dated January 7, 2022, the Court extended Plaintiff's and Almasmary's deadline to submit a settlement agreement to the Court to February 4, 2022 (Dkt. No. 120);

WHEREAS, Almasmary failed to sign the settlement agreement by February 4, 2022 or otherwise coordinate with Plaintiff's counsel regarding the settlement agreement;

WHEREAS, in an order dated February 4, 2022, the Court directed counsel for Almasmary to file a motion to withdraw, or the parties to file a settlement agreement or offer of judgment and notice of acceptance, by February 11, 2022; and if nothing was filed by February 11, 2022, directing Plaintiff to move by order to show cause for a default judgment against Almasmary (Dkt. No. 124);

WHEREAS, Almasmary, who is not an infant or an incompetent person, having failed to comply with the Court's orders dated December 6, 2021 (Dkt. No. 118), January 7, 2022 (Dkt. No. 120), and February 4, 2022 (Dkt. No. 124);

WHEREAS, counsel for Plaintiff having requested an order entering judgment against Almasmary by filing a proper motion and declarations, with accompanying exhibits, in accordance with Federal Rules of Civil Procedure 55(b)(2) (Dkts. Nos. 125-129);

WHEREAS, the Court, having entered an Order to Show Cause why the Court should not grant Plaintiff's motion for a default judgment against Defendant Almasmary (Dkt. No. 130);

WHEREAS, Plaintiff's application for a default judgment against Defendant Almasmary and the Court's Order to Show Cause were served on Defendant Almasmary and his counsel (Dkts. Nos. 131, 132);

WHEREAS, neither Defendant Almasmary nor his counsel appeared at the show cause hearing, which in accordance with the Order to Show Cause, took place on Thursday, March 10, 2022 at 11:00 A.M. in Courtroom 443 of the Thurgood Marshall Courthouse (Dkt. No. 130); and it is hereby

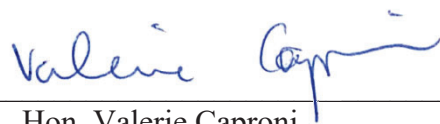
ORDERED, ADJUDGED, and DECREED that:

Judgment is entered in favor of Plaintiff and against Nasser Almasmary in the amount of \$204,123.61. This amount includes prejudgment interest at 9% per year from June 18, 2017, the midpoint of Plaintiff's employment with Defendants, up to the date of the entry of this judgment, totaling \$22,610.10, costs in the amount of \$4,158.61 pursuant to Local Civil Rule 54.1, and reasonable attorneys' fees in the amount of \$61,080.00. Plaintiff is also entitled to post-judgment interest pursuant to 28 U.S.C. §1961.

The judgment against Mr. Almasmary is joint and several with Defendants Hill Deli Grocery Corp. 2, Azaal Deli Grocery Corp., and Ana Deli Grocery Corp. up to \$194,542.61.

The Clerk of Court is respectfully directed to enter judgment in favor of Plaintiff and against Nasser Almasmary.
SO ORDERED:

Date: March 11, 2022



Hon. Valerie Caproni
United States District Judge